

Feb. 21, 2006

To: Rep. Nitz and the House Agriculture Committee:

Subject: Testimony on House Bills 5711-5716

From Edward Hoogterp, Beulah, MI

Rep. Nitz and committee members:

First, let me thank the committee for trying to deal with important issues involving large-scale livestock farms. I believe this package is a good-faith attempt to balance the realities of modern agriculture and the protection of Michigan's water.

Let me suggest, however, that the legislation may lead to consequences unintended by the bills' sponsors.

My first concern is with provisions in HB5714. The clear intent of this bill is to protect farmers from harassment, but the language appears to limit the state's ability to enforce important environmental laws. The bill states that DEQ may not investigate a complaint, unless the complainer is willing to be identified.

A citizen may be reluctant to be identified for any number of reasons – for example, a complainant may be an employee, relative or neighbor of the farm in question. The people of Michigan will not be well-served if government is prohibited from investigating possible threats to public health, simply because a reporting citizen prefers not to give his name. Imagine if *Silent Observer* included a similar provision.

My second concern is the creation of a category of "agricultural storm-water discharge" as exempt from the provisions of NREPA. To paraphrase a popular bumper-sticker: "Rain Happens."

By their very nature, large-scale animal livestock facilities concentrate high volumes of liquid manure, which has the capacity to contaminate nearby surface waters.

It is entirely reasonable to require that a business which knowingly accumulates those wastes must be responsible for their disposition – no matter what. We expect that much from any business that deals with potentially harmful materials. (Animal manures are valuable when properly applied; but a threat to the environment and public health when they are allowed to contaminate the water and air. In this respect they are no different from a host of regulated materials used in industry.)

Finally, I would suggest that the legislation, taken as a whole, is likely to decrease state oversight of large-scale animal farms at a time when the number of such farms is

increasing. It is false economy to create cheaper food, if in the process we put our water resources at risk

No farmer intends to pollute. But we know that good people sometimes allow bad things to happen. Especially when no one is looking.

I hope the committee will go back to work on this legislation to seek a balance that removes unnecessary barriers to Michigan agriculture, while better protecting the environment and public health.

Thank you for your consideration.

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